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03500.016

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#1/Election  
OKOP  
4/24/03

In re Application of: )  
TADAYOSHI MUTA ) Examiner: E. Lee  
Application No.: 10/052,450 ) Group Art Unit: 2815  
Filed: January 23, 2002 )  
For: SEMICONDUCTOR DEVICE, )  
PRODUCTION METHOD )  
THEREFOR, AND )  
ELECTROPHOTOGRAPHIC )  
APPARATUS ) April 14, 2003

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Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated March 14, 2003 (Paper No. 6), Applicant provisionally elects to prosecute the Group I claims, namely Claims 1 to 8 and 18. The requirement to restrict, however, is traversed.

Traversal is on the ground that there would not be undue burden in examining the two groups of claims in a single application. In particular, MPEP § 808 makes it clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is

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(Date of Deposit)  
Demond E. Vadnais, Reg. No. 52,310  
Name of Attorney for Applicant Demond E. Vadnais  
Signature Demond E. Vadnais Date of Signature April 14, 2003

not believed that there would be an undue burden in examining the claims of Groups I and II in a single application. Although it is true that Group I claims a device while Group II claims a method, and that the Group I device could be made by a method different from that claimed in Group II, it is nevertheless believed that the two groups of claims are not so unrelated as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

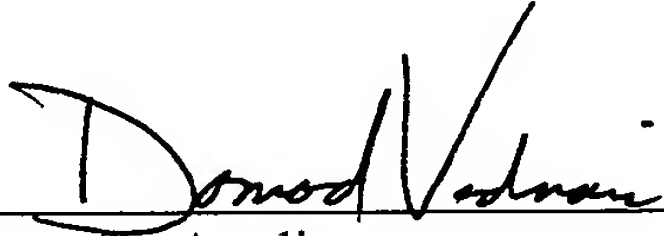
Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

In response to the requirement to elect a species, Applicant elects to prosecute Species I, namely the embodiment depicted in Fig. 1. Claims 1 to 4 and 6 to 8 read on the elected species. The election is made without traverse.

Although the Office Action indicates that no claims are generic, Applicant respectfully disagrees and submits that at least Claims 1 to 3 are generic to Species I to V. Accordingly, upon an indication of allowability for any of Claims 1 to 3, it is respectfully requested for the Examiner to issue an action on the merits of Claims 5 and 18.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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